

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 8, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Teresa J. Meier, Deputy City Clerk.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of August 28, 2003, reported having done so, found same correct.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Coleen J. Seng presented the award for the month of August, 2003 to Mark Kenne of the Health Department for the category of productivity.

**PUBLIC HEARING**

APP. OF K-SARA ENTERPRISES FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN AREA MEASURING 60' BY 120' AT 1315 SOUTH 21ST ST. ON THE 14TH DAY OF SEPTEMBER, 2003 FROM 12:00 NOON TO 3:00 P.M. - Kevin Meier, 3540 Village Drive, Suite 220, came forward in favor.

This matter was taken under advisement.

APP. OF ANDERSON ENTERTAINMENT L.L.C. DBA BUNKERS SPORTS BAR & FAIRWAYS GRILL FOR A CLASS C LIQUOR LICENSE AT 8901 AUGUSTA DR.;

MANAGER APP. OF WESTLEY ANDERSON FOR ENTERTAINMENT L.L.C. DBA BUNKERS SPORTS BAR & FAIRWAYS GRILL AT 8901 AUGUSTA DR. - Westley Anderson, 8620 Old Cheney Road, came forward and took the oath.

This matter was taken under advisement.

APP. OF CHATTERBOX INC. DBA CHATTERBOX FOR A CLASS I LIQUOR LICENSE AT 815 O ST.;

MANAGER APP. OF ROBERT N. FITCH FOR CHATTERBOX INC. DBA CHATTERBOX AT 815 O ST. - Robert N. Fitch, 1640 E. Manor Drive, came forward, took the oath and answered questions. Councilwoman McRoy asked what the targeted audience will be for this particular bar. Mr. Fitch responded he planned to serve the 21 and over crowd and are applying for a dance permit. He stated they might consider an evening for high school students, but without alcohol. Councilwoman McRoy asked what experience he had. Mr. Fitch stated he worked at Iquana's and he had also served on NU Directions when he attended the University. He had additional experience serving beer at the Salt Dog games. Councilman Camp asked what type of food he planned to serve. Mr. Fitch stated he wasn't sure yet, but they would be subleasing that area.

This matter was taken under advisement.

APP. OF BOSS MANAGEMENT L.L.C. DBA HOMETOWN GARDEN CAFÉ GRILL & BAKERY FOR A CLASS I LIQUOR LICENSE AT 5100 N. 27TH ST.;

MAN. APP. OF TIMOTHY HAASE FOR BOSS MANAGEMENT L.L.C. DBA HOMETOWN GARDEN CAFÉ GRILL & BAKERY AT 5100 N. 27TH ST. - Timothy Haase, 15364 Paige Street, Omaha, NE came forward and took the oath. Council Chair Camp asked if he was in the process of moving to Lincoln. Mr. Haase reported he was the daily managing supervisor of this location. Council Chair Camp asked how this related to the former Garden Cafes. Mr. Haase stated they were purchased in late April and there are a total of five restaurants. Councilman Werner asked how many places Mr. Haase would be supervising and how many are in the Lincoln area. Mr. Haase reported that there is

only one location in Lincoln and a total of five that he supervises. He indicated there would be an Assistant General Manager and Kitchen Manager at the Lincoln location. Councilman Werner asked if anyone from the Garden Café organization has completed the Responsible Hospitality Class. Mr. Haase indicated they would get that scheduled.

Russ Fosler, Investigator for the Lincoln Police Dept. came forward and was sworn in. He reported that he was unable to complete the background check on the applicant and he had phoned three times and left messages that were never returned. Councilwoman McRoy asked if Mr. Officer Fosler recommended that this item be delayed. Mr. Fosler replied that there were three options available; they approve it, deny it, or place it on pending. However, if it is placed on pending, the time frame will be short and it will have no recommendation for the Liquor Control Commission.

Council Chair Camp asked Mr. Haase to return to the podium for additional questions. Mr. Haase stated he had been working at another location and had not received the messages. Councilman Svoboda queried whether Mr. Haase was the appropriate person to have his name on the liquor license, when he had so many locations and such a large geography of issues to take care of. Mr. Haase indicated he did feel confident he could handle this and he was supported by the owner as well. He indicated he would be willing to share the necessary information with Officer Fosler. Councilman Cook asked where Officer Fosler had gotten the phone number from and Mr. Fosler replied that the number came from the liquor application.

Danny Walker, 437 "E" Street, came forward to ask if the background checks included more than just the general manager. Councilman Friendt replied that the background check is done only on the individual listed on the liquor application.

Glen Cekal, 1420 C St., came forward in favor of having more than one person for the restaurant have background checks completed.

This matter was taken under advisement.

AMENDING CHAPTER 10.26 OF THE LINCOLN MUNICIPAL CODE TO REFLECT THE CHANGES TO THE TRANSPORTATION PLAN OF THE LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN. (7/21/03 - Pending; Con't. P.H. & Action on 9/8/03 - had 2<sup>nd</sup> Reading 7/21/03) - Mike Brienzo, Public Works Dept., came forward and stated there has been a substitute ordinance drafted and it was presented to Council.

This matter was taken under advisement.

VACATING THE EAST-WEST ALLEY FROM NORTH 1<sup>ST</sup> STREET TO NORTH 2<sup>ND</sup> STREET IN BLOCK 264, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT NORTH 1<sup>ST</sup> STREET BETWEEN R AND S STREETS. (In connection w/03R-181, 03R-234, 03R-235);  
APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR THE INSTALLATION OF SANITARY SEWERS IN 1<sup>ST</sup> STREET, WATER MAINS IN 1<sup>ST</sup> STREET, STORM SEWERS IN 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS, STREET PAVING IN 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS, STREET TREES, AND SIDEWALKS ALONG 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS, WITHIN THE PEOPLE'S CITY MISSION ADMINISTRATIVE FINAL PLAT GENERALLY LOCATED AT NORTH 2<sup>ND</sup> AND R STREETS. (7/07/03 - Pending; to have public hearing w/vacation Ordinance) (In connection w/03-134, 03R-234, 03R-235) (8/18/03 - To have P.H. 9/8/03);  
SPECIAL PERMIT 1123B - APPROVING THE EXPANSION OF THE BOUNDARY OF THE EXISTING SPECIAL PERMIT FOR THE PEOPLE'S CITY MISSION & TO REDUCE THE FRONT YARD SETBACK FROM 15' TO 4' FOR THE PROPOSED SHELTER WITHIN AN EXISTING BUILDING NORTH OF R ST., GENERALLY LOCATED BETWEEN N. 1ST & N. 2ND STS. & Q TO S STS. (In connection w/03-134, 03R-181, 03R-235);  
APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE PEOPLE'S CITY MISSION HOME & THE CITY OF LINCOLN OVER THE NORTH 51.6 FEET OF LOTS 11 & 12, BLOCK 275, ORIGINAL PLAT, LINCOLN, TO PROTECT THE DRAINAGE WAY & NATURAL FLOODPLAIN VALUES ON PROPERTY GENERALLY LOCATED NORTHWEST OF 2ND & S ST. (In connection w/03-134, 03R-181, 03R-234) - J.D. Burt, Design Associates, Inc., 1609 N Street, Suite 100, came forward to explain about the floodplain permit for both north and south sides of the alley. As part of any alley vacation, the city requires an administrative final plat to attach the vacated right-of-way to a lot of which we prepared as the People's City Mission final plat. With that plat, the city has requirements adjacent to that subdivision such as sewer, water, street trees and paving. We presently have the sanitary sewer south and east through private property. We are seeking a waiver on the paving and will be happy to install that when the city deems it necessary. Councilman Cook asked about the conservation easement and what percentage of the total amount of the fill is the alley. Mr. Burt indicated it was a very small amount, as he did not have exact figures.

Councilman Cook asked if they had discussions about offsetting some additional storage space that is lost because of the fill outside of the alley. Mr. Burt indicated that they did not.

Michael Bott, Architect, Michael Bott & Associates, 1540 S. 70<sup>th</sup> St., Suite 102, came forward in favor.

Danny Walker, 427 "E" Street, came forward in opposition.

Councilman Friendt asked Mr. Hill of the Planning Dept. to come forward. He asked Mr. Hill if this constitutes a no net rise arrangement where we are saying you can fill the alley, but you have to provide an offset? Mr. Hill said the alley is part of the conservation easement. They are setting aside land elsewhere.

Nicole Fleck-Tooze, Public Works & Utilities, came forward and reported the offsetting of the fill for the volume of storage within the alley would be a no loss to storage concept. Councilman Cook asked if legally they can fill what they filled outside the alley. The only reason we are able to ask for some offsetting amount of storage in the case of the alley, is that we have some leverage here because we have to vote to vacate it. Ms. Fleck-Tooze agreed with that concept. Councilman Cook noted that there is work being done on a new floodplain ordinance and Ms. Fleck-Tooze acknowledged that fact.

This matter was taken under advisement.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 24.12 TO ADOPT THE 2000 EDITION OF THE UNIFORM PLUMBING CODE WITH LOCAL AMENDMENTS - Ron Peery, Bldg. & Safety Dept. Manager, came forward and explained that this was bringing the 1992 National Standards Plumbing Code up to date. Created within this, was a position for a Master Plumber Contractor, making this person responsible for the permits that are issued. Also a refund has been created for permits and now if a contractor loses a bid or something happens, we have narrowed it down to keeping one-third, or up to \$75.00. He gave examples of the permit fees that have been increased. The people who served on the task force are present in the audience today and are willing to testify. Councilman Cook asked why there was a completely new chapter rather than revisions.

Dana Roper, City Attorney, came forward to explain that if it is an extensive change to the LMC it is put into a new chapter. If they are manageable changes that we can underline, we keep it in the old chapter.

Councilman Friendt asked if the same process was used as to the last time changes were made in the code. Mr. Peery indicated it was the same. Mr. Peery also reported that we rely on the task force members to let the plumbing community know what was progressing at the meetings. Councilman Friendt indicated that there was a large response from plumbers saying they were not informed of these upcoming changes.

Councilwoman McRoy asked why the new fee for the position that was created was so high, and could it not be phased in. Mr. Peery indicated that they came up with that fee based on the time that his department spends with the person that is in charge of the permits. This fee is per year and one master plumber contractor per company. There are approximately 84 companies and 200 + master plumbers. Council Chair Camp asked to recognize the members who served on the task force. Mr. Peery introduced Doug Biggerstaff, who chaired the committee, Wes Bouwens, Dick Dworak, Mike McNiff, Matt Morrissey, Dave Riebers and Jerry McGovern.

Doug Biggerstaff, 3605 North 40<sup>th</sup> Street, came forward in favor. Councilman Friendt asked Mr. Biggerstaff, with significant companies involved in this task force, why has the Council received this volume of communication from master plumbers that are saying they knew nothing about the changes? Mr. Biggerstaff indicated that at the last time of exam for master plumbers there were only 9 or 10 to take the test and the rumor was out that the new code was going into effect and that there was going to be major changes in the testing. The previous quarter we had 33 who took the test. Councilman Werner asked about the continuing education portion of the new code. He questioned if it had been required previously and what vendors would be qualified for giving continuing education. Mr. Biggerstaff indicated that it would be very flexible and on the honor system.

Discussion among Council members ensued regarding the plumbing issues.

Glen Cekal, 1420 C Street, came forward in favor.

Bob Van Valkenburg, 7921 Reno Rd., came forward to ask how many plumber's friends supervise under the new code. How many pages in this new code are politically correct and are the instructions written in

five languages?

Dave Rieber, owner of Mechanical Western of Lincoln, came forward in favor.

Wes Bouwens, Bouwens Plumbing, 4901 N. 17<sup>th</sup> Street, came forward in favor.

Mike McNiff, NIFCO Mechanical Systems, 531 Sumner Street, came forward in favor.

Tom Trainor, Trainor Plumbing, Inc., 7101 Badger Drive, came forward in opposition. Councilwoman McRoy asked if Mr. Trainor was the master plumber in his shop because he has a small one/two man shop. She also asked if he felt the fee would discourage the small plumbers or those who are just getting started in their own business. Mr. Trainor replied he felt it would make a hardship on them. Council Chair Camp asked if the certification for a master plumber would mean that they had practiced for a number of years. Mr. Trainor replied that it would mean that you had spent five years as a journeyman and then one more year for the master plumber. Mr. Camp asked about the educational requirements. Mr. Trainor replied that he attended as much as he could. Councilman Friendt asked if Mr. Trainor attended the monthly meetings. Mr. Trainor said he was Vice President of the Lincoln Plumbing Heating Cooling Contractors Association and he did attend. He stated that more master plumbers are not members of that association than are. He indicated he had contacted a lot of them and they are responsible for the faxes being received at the Council office on this date. Council Chair Camp asked about the various types of ongoing education. Mr. Trainor replied that the wholesalers offer classes on new products. Mr. Camp also asked what other communities require on the educational aspects. Mr. Trainor said that Denver, CO; Colorado Springs, CO; and Houston, TX has a requirement for ongoing training.

Matt Morrissey, 8901 SW 12<sup>th</sup> Street, (Mechanical Engineer who served on the task force) came forward in favor.

Councilman Friendt asked Mr. Peery about the amount of time it takes to process permits and licenses. Mr. Peery returned to answer Council questions and indicated it varies on the size of the shop and the number of permits that are out per month. Council Chair Camp asked if Bldg./Safety is on a fee basis that covers the expenses. Mr. Peery stated that the Plumbing Section does not receive general funds and that was part of the reason for making the fee increases. He said they plan to bring this forward every three years. Councilman Werner asked about charging all master plumbers the same. Mr. Peery reiterated that there needs to be one master plumber contractor per company and their name has to be on the insurance. That is the only person that can take out the permits and the only person we deal with. Councilman Svoboda asked if there had been discussion about phasing in the fee for the newly created position. Mr. Peery stated that through discussions they started at \$1,000 to also leaving it at the same fee. Mr. Svoboda also asked what size of operations made up the task force. He specifically wanted to know if there was representation on the force for the smaller shops. Mr. Peery stated he wasn't sure of that answer. Councilman Cook asked who actually pays the license fees, the shop or the individuals. Mr. Peery stated that varied. He also clarified that you have to go four years before you can take the test to become a journeyman, so at the end of five years you could become a master plumber. Mr. Cook then asked if there was a need for an inactive category like is in the Uniform Mechanical Code. Mr. Peery said it was different and it doesn't really apply to plumbers.

Discussion among Council members and Mr. Peery regarding various plumbing topics.

Doug Biggerstaff returned to answer additional questions. Councilman Svoboda asked if the task force discussed increasing the fees on a gradual basis. Mr. Biggerstaff answered that they didn't talk about that. Councilman Camp asked what would happen if possible health issues or an emergency that prevented a master plumber from finishing the six hours of additional education. Mr. Biggerstaff indicated there is a two month grace period in which you can renew the license. There is also a section of the code that allows a company up to six months to

replace a master plumber in the case of death. Councilman Werner asked if a tier system was considered for the different levels of shops to pay accordingly to how many master plumbers they have working. Mr. Biggerstaff stated you would have to rely on the honor system.

This matter was taken under advisement.

AMENDING CHAPTER 25.03 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNIFORM MECHANICAL CODE TO ADOPT THE 1997 EDITION WITH NEW AND REVISED LOCAL AMENDMENTS - Ron Peery, Manager of Inspections & Enforcement for Building & Safety Dept. came forward to explain the changes in this code.

Doug Kriefels, Action Plumbing & Heating, 4101 South 8<sup>th</sup> Street, came forward in favor.

Danny Walker, 437 "E" Street, came forward in favor.

Tom Hardesty, Wellman Plumbing & Heating, 6715 Blue Ridge Lane, came forward in favor.

Mike Morosin, 2055 "S" St., came forward in favor.

Councilman Cook asked if any of the companies have multiple HVAC contractors. Mr. Peery returned to say that the companies most likely to have only one.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 03016 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF DWAIN ROGGE TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE A PORTION OF PROPERTY DESIGNATED "ENVIRONMENTAL RESOURCES" TO "INDUSTRIAL" BETWEEN SALT CREEK AND ARBOR ROAD, WEST OF NORTH 70<sup>TH</sup> STREET (7/14/03 - Pending; Con't. P.H. & Action on 8/18/03) (8/18/03 - P.H. & Action Con't. To 9/08/03) - Duncan Ross, Planning Dept. came forward to share that the State and Federal Agencies have re-categorized the adjacent wetland to a category that didn't require a buffer that the Planning Dept. had previously been requesting. Councilwoman Newman asked about the buffer for industrial sites. Mr. Duncan replied that the 30' buffer is two-fold, part of the core permit for the mitigated wetland site and it is already taken care of in the core permit and the planning commission has added that to the land use. This is strictly a vegetative buffer so no buildings would be permitted within that.

Peter Katt, 1045 Lincoln Mall, Suite 200, Attorney representing Dwaine Rogge, came forward to explain that his client's property was not a part of the environmental resource designation. It has taken 6 months to confirm facts that were in existence at the time of the original comprehensive plan was adopted with numerous delays, numerous soft costs, and to appear at numerous public hearings. So there is a cost for all of this and it needs to be recognized. The facts in this case are that this property is not Saline wetlands and it is not subject to the Comp Plan. Mr. Katt stated that he believed the planning staff and the Planning Commission have correctly determined that it should be removed from that designation in the Comprehensive Plan and shown as industrial, except for the areas that lie within 30' of mitigated wetlands area.

Danny Walker, 437 E St., came forward to ask if there was a public hearing when the designated wetland status was changed. Since this is across from the Abbott Sports Complex, and they were required to put in a detention pond, when will additional detention ponds be required? An additional questions posed by Mr. Walker was regarding the treatment of these detention ponds for West Nile Virus.

Craig Groat, 4935 Huntington St., came forward in opposition.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 1 - 15, 2003 - Bob Van Valkenburg, 7921 Reno Rd., came forward to ask to see whose names were listed on the claims to determine if there were any entry as a result of damage to or theft of items in automobiles that were towed to the city impound.

Dana Roper, City Attorney, came forward to answer questions. He informed the Council that if there was a claim of this type, the individuals could contact the towing company directly. If a claim has been filed with the city, it would appear on this list.

Stephanie Byrd, (no address given) came forward to explain to the Council about the flood that occurred in her home. She reported that she had asked Public Works a year earlier to clean the storm sewers in the back alley. There was 3.5' of water inside her home within five minutes time.

Councilwoman McRoy asked her colleagues to consider putting this claim on pending and doing further research into the claim.

This matter was taken under advisement.

APPROVING A WAIVER OF THE PARKING LOT SURFACING REQUIREMENTS PURSUANT TO LINCOLN MUNICIPAL CODE § 27.67.100(c) ON PROPERTY GENERALLY LOCATED AT 70<sup>TH</sup> & HWY. 2. - Susan Hansen, 5100 Trotter Circle, President of Lord of Life Lutheran Church, came forward in favor.  
Craig Groat, 4935 Huntington Street, came forward in opposition.

SPECIAL PERMIT 2010 - APPROVING PINE LAKE HEIGHTS SOUTH 8TH ADDITION COMMUNITY UNIT PLAN CONSISTING OF 66 RESIDENTIAL UNITS WITH WAIVERS TO SUBMIT A PRELIMINARY PLAT, THE REQUIREMENT THAT FINAL PLATS BE BASED ON PRELIMINARY PLATS, THE REQUIREMENT THAT FINAL PLATS ACCEPTING THE DEDICATION OF PUBLIC STREETS & PRIVATE ROADWAYS GO TO THE PLANNING COMMISSION, YARD SETBACKS, COMMUNITY OUTDOOR RECREATION PLAN, MINIMUM LOT AREA, & CUL-DE-SAC GEOMETRY, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 30TH ST. & YANKEE HILL RD. - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Ridge Development and Southview Inc., came forward to explain the plan of her clients.

This matter was taken under advisement.

APPROVING A WAIVER OF IMPACT FEES ON AN INCREASE OF SIZE FOR A WATER METER AT 3800 S. 9<sup>TH</sup> ST. - Steven Henrichsen, Planning Dept. introduced Michaela Hansen, the new Impact Fee Administrator. Ms. Hansen explained that in an appeal, the council will not waive fees, although the fees may be reduced upon a finding that the impact fee was incorrectly calculated or that unusual circumstances of the development demonstrate that the application of the fee to the development would be unfair or unjust. The appeal application does not meet any of the stipulations required for reduction or elimination of the impact fee. The fee was correctly calculated. Ayars and Ayars was given credit for the 1 ½" water meter which was installed prior to the June 2<sup>nd</sup> impact fee implementation and required no fee. The impact fee calculation was based on the difference between the 3" meter and the 1 ½" meter. There were and are no unusual circumstances of the development which demonstrate that the application of the fee for the development would have been or is unfair or unjust. Throughout the city owners with ¾" or smaller water meters have determined that due to changes in their water use or original under-sizing of their water meter that a larger water meter is necessary. Those owners will pay an impact fee based upon the difference in size. The Jet Splash owners entrusted Ayars and Ayars to correctly design and build the car wash.

Mike Ayars of Ayars and Ayars, 6500 Holdrege Street, came forward and requested a one week continuance of this item. Councilwoman McRoy asked how long a delay would be needed. Mr. Ayars indicated he needed one week would be fine to prepare some handouts. Councilman Werner asked Mr. Ayars if he could have those items ready for the Council packets in the middle of the week. Mr. Ayars indicated he could do that.

This matter was taken under advisement.

TOOK BREAK 4:20 P.M.

RECONVENED 4:35 P.M.

#### MISCELLANEOUS BUSINESS

Jane Kinsey, 6703 Hawkins Bend, came forward and explained that over the period of time that she has lived in Lincoln the demographics have remained the same. She commented on the Angelou Study that compared Lincoln to San Diego, CA and Portland, OR and felt it was an unfair comparison. She suggested that cities such as Boise, Idaho;

Boulder, Colorado; Madison, Wisconsin and Ames, Iowa were good models for city administration to look at. She asked the Council to be sensible and to use a conservative mind set and to focus on all the aspects of Lincoln.

Bob Van Valkenburg, 7921 Reno Road, came forward to question the bidding process for towing contracts. He suggested that the Sheriff's Dept. or the State Patrol investigate the present contractor. Mr. Van Valkenburg submitted four bids by Capitol Towing, Jackson Harmon Enterprises, LLC, LTR, Inc. and L & L Towing. (These items were placed

on file.) Mr. Van Valkenburg has done a study and submitted the preliminary results with his testimony. He accused Mr. Mejer of changing bids after they have been tendered to the Purchasing Dept. He suggested that the playing field for submitting bids be leveled.

Danny Walker, 437 "E" Street, came forward to read an article from the Omaha World Herald regarding the floodplain. (Item placed on file.) He also suggested that he felt that the Holmes Lake project is really being done to help the Antelope Valley drainage. He asked about dates of upcoming meetings for the SE Upper Salt Creek Master Plan Public Hearing. Ms. Fleck-Tooze of Public Works, confirmed the dates for him.

Ed Patterson, 2108 Q Street, came forward to discuss the disposition of property at 27<sup>th</sup> & P Street relative to the Centerpointe Development. He suggested that RFP's (Request for Proposals) have not been sent to a number of interested parties.

Craig Groat, 4935 Huntington Avenue, came forward and read various excerpts from the Bill of Rights, the U.S. Constitution, the Nebraska State Constitution and the Oath of Office from the Lincoln Municipal Code regarding freedom of speech. Council Chair Camp explained that Mr. Groat had misconstrued some of the constitutional majors. He then ruled Mr. Groat out of order and asked him to discontinue his speaking. Mr. Groat advised Mr. Camp that he has violated his oath of office.

Ben Goble, 3210 Serenity Circle, came forward and thanked Council for keeping the resource officers in the budget for the Lincoln Public Schools. He shared statistics regarding the Juvenile Detention Center and what the daily costs were to keep a juvenile at the detention center. (Items submitted were placed on file)

Mike Morosin, 2055 S St., came forward to discuss the floodplain area and stated that there are not enough tie downs at the impound lot to secure the number of vehicles located there. Council Chair Camp asked Police Chief Casady to check on that matter.

These matters were taken under advisement.

**\*\* END OF PUBLIC HEARING \*\***

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

APP. OF K-SARA ENTERPRISES FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN AN AREA MEASURING 60' BY 120' AT 1315 SOUTH 21ST ST. ON THE 14TH DAY OF SEPTEMBER, 2003 FROM 12:00 NOON TO 3:00 P.M. - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82298 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of K-Sara Enterprises for a Special Designated License to cover an area measuring 60 feet by 120 feet at 1315 South 21st Street, Lincoln, Nebraska, on the 14th day of September, 2003, between the hours of 12:00 noon and 3:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF ANDERSON ENTERTAINMENT L.L.C. DBA BUNKERS SPORTS BAR & FAIRWAYS GRILL FOR A CLASS C LIQUOR LICENSE AT 8901 AUGUSTA DRIVE - DEPUTY CLERK read

the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82299 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Anderson Entertainment L.L.C. dba Bunkers Sports Bar & Fairways Grill for a Class "C" liquor license at 8901 Augusta Drive, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APP. OF WESTLEY ANDERSON FOR ENTERTAINMENT L.L.C. DBA BUNKERS SPORTS BAR & FAIRWAYS GRILL AT 8901 AUGUSTA DRIVE - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82300 WHEREAS, Anderson Entertainment L.L.C. dba Bunkers Sports Bar & Fairways Grill located at 8901 Augusta Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Westley Anderson be named manager;

WHEREAS, Westely Anderson appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Westley Anderson be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF CHATTERBOX INC. DBA CHATTERBOX FOR A CLASS I LIQUOR LICENSE AT 815 O STREET - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82301 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Chatterbox Inc. dba Chatterbox for a Class "I" liquor license at 815 O Street, Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APP. OF ROBERT N. FITCH FOR CHATTERBOX INC. DBA CHATTERBOX AT 815 O STREET - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82302 WHEREAS, Chatterbox Inc. dba Chatterbox located at 815 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Robert N. Fitch be named manager;

WHEREAS, Robert N. Fitch appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Robert N.



Fitch be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APP. OF BOSS MANAGEMENT L.L.C. DBA HOMETOWN GARDEN CAFÉ GRILL & BAKERY FOR A CLASS I LIQUOR LICENSE AT 5100 N. 27TH STREET - PRIOR TO reading:  
SVOBODA Moved to amend by having the manager complete the Responsible Hospitality Class.

Motion died for lack of a second.

FRIENDT Moved the adoption for approval:

Seconded by Svoboda & LOST by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Glenn Friendt who moved its adoption for denial:

A-82303 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Boss Management L.L.C. dba Hometown Garden Café Grill & Bakery for a Class "I" liquor license for the license period ending April 30, 2004, at 5100 N. 27th Street, Lincoln, Nebraska, be refused for the following reasons:

1. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.

2. The City Council has determined that the existing licenses are adequately serving the area.

3. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.

4. The applicant has not demonstrated the propriety of the issuance of such license.

5. The issuance of the license will not be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MAN. APP. OF TIMOTHY HAASE FOR BOSS MANAGEMENT L.L.C. DBA HOMETOWN GARDEN CAFÉ GRILL & BAKERY AT 5100 N. 27TH ST. - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for denial:

A-82304 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Timothy Haase as manager of Boss Management L.L.C. dba Hometown Garden Café Grill & Bakery located at 5100 North 27th Street, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### ORDINANCES - 2ND READING

VACATING THE EAST-WEST ALLEY FROM NORTH 1<sup>ST</sup> STREET TO NORTH 2<sup>ND</sup> STREET IN BLOCK

264, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT NORTH 1<sup>ST</sup> STREET BETWEEN R AND S STREETS. (In connection w/03R-181, 03R-234, 03R-235) - DEPUTY CLERK read the following Ordinance, introduced by Ken Svoboda, vacating the east-west alley from North 1<sup>st</sup> Street to North 2<sup>nd</sup> Street in Block 264, Original Plat of Lincoln, generally located at North 1<sup>st</sup> Street between R & S Streets, the second time.

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 24.12 TO ADOPT THE 2000 EDITION OF THE UNIFORM PLUMBING CODE WITH LOCAL AMENDMENTS - DEPUTY CLERK read the following Ordinance, introduced by Ken Svoboda, amending Title 24 of the Lincoln Municipal Code by creating a new Chapter 24.12 to adopt the 2000 Edition of the Uniform Plumbing Code with local amendments, the second time.

AMENDING CHAPTER 25.03 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE UNIFORM MECHANICAL CODE TO ADOPT THE 1997 EDITION WITH NEW AND REVISED LOCAL AMENDMENTS - DEPUTY CLERK read the following Ordinance, introduced by Ken Svoboda, amending Chapter 25.03 of the Lincoln Municipal Code relating to the Uniform Mechanical Code to adopt the 1997 Edition with new and revised local amendments, the second time.

#### RESOLUTIONS

COMP. PLAN AMENDMENT 03016 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF DWAIN ROGGE TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE A PORTION OF PROPERTY DESIGNATED "ENVIRONMENTAL RESOURCES" TO "INDUSTRIAL" BETWEEN SALT CREEK AND ARBOR ROAD, WEST OF NORTH 70<sup>TH</sup> STREET (7/14/03 - Pending; Con't. P.H. & Action on 8/18/03) (8/18/03 - P.H. & Action Con't. To 9/08/03) - DEPUTY CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82305 WHEREAS, the Planning Director on behalf of Dwaine Rogge has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to amend the Land Use Plans in the area of Arbor Road west of North 70th Street to change a portion of property from "Environmental Resources" to "Industrial"; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval with amendment to require a 30' vegetated buffer around the mitigation area.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. By amending the Lincoln/Lancaster County Land Use Plan on page F23 and the Lincoln Area Detail From Lincoln/Lancaster County Land Use Plan on page F25 to change the land use of property located at N. 70th Street and Arbor Road from "Environmental Resources" to "Industrial" as shown on Attachment "A".

2. By requiring a 30' vegetated buffer around the wetlands mitigation area.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

Seconded by McRoy & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Newman, Werner.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR THE INSTALLATION OF SANITARY SEWERS IN 1<sup>ST</sup> STREET, WATER MAINS IN 1<sup>ST</sup> STREET, STORM SEWERS IN 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS, STREET PAVING IN 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS, STREET TREES, AND SIDEWALKS ALONG 1<sup>ST</sup> AND 2<sup>ND</sup> STREETS, WITHIN THE PEOPLE'S CITY MISSION ADMINISTRATIVE FINAL PLAT GENERALLY LOCATED AT NORTH 2<sup>ND</sup> AND R STREETS. (7/07/03 - Pending; to have public hearing w/vacation Ordinance) (In connection w/03-134, 03R-234, 03R-235) (8/18/03 - To have P.H. 9/8/03) - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-181 for one week to 9/15/03.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 1 - 15, 2003 - PRIOR to reading:

MCROY Moved to place the Claim of Stephanie Byrd on pending and continue

the public hearing in two weeks on 9/22/03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption as amended:

A-82306 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated August 18, 2003, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Daniel T. Clinchard	NAS*	Scott Henson	\$ 2,843.71
<del>Stephanie Byrd</del>	<del>\$10,270.00</del>	State Farm Insurance Co.	
Jeffrey T. Anderson	271.00	(Julia M. Larson, Insured)	20,102.23
Tim Golden	562.43	Todd and Debra Cook	2,433.45
Farm Bureau Financial Services		Chubb Group of Insurance Co.	
(Douglas Hunt, Insured)	6,402.79	(James E. Schuetz, Insured)	1,048.52
Beau Wichtendahl	48.15	Community Alternatives Nebraska	57.07
		Maxine Riner	424.53
		Pamela S. Alley	899.37
		Chris Webster	518.20

\* No amount specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1123B - APPROVING THE EXPANSION OF THE BOUNDARY OF THE EXISTING SPECIAL PERMIT FOR THE PEOPLE'S CITY MISSION & TO REDUCE THE FRONT YARD SETBACK FROM 15' TO 4' FOR THE PROPOSED SHELTER WITHIN AN EXISTING BUILDING NORTH OF R ST., GENERALLY LOCATED BETWEEN N. 1ST & N. 2ND STS. & Q TO S STS. (In connection w/03-134, 03R-181, 03R-235) - PRIOR TO READING:

COOK Moved to delay action on Bill No. 03R-234 for one week to 9/15/03.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE PEOPLE'S CITY MISSION HOME & THE CITY OF LINCOLN OVER THE NORTH 51.6 FEET OF LOTS 11 & 12, BLOCK 275, ORIGINAL PLAT, LINCOLN, TO PROTECT THE DRAINAGE WAY & NATURAL FLOODPLAIN VALUES ON PROPERTY GENERALLY LOCATED NORTHWEST OF 2ND & S ST. (In connection w/03-134, 03R-181, 03R-234) - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-235 for one week to 9/15/03.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF THE PARKING LOT SURFACING REQUIREMENTS PURSUANT TO LINCOLN MUNICIPAL CODE § 27.67.100(C) ON PROPERTY GENERALLY LOCATED AT 70TH & HWY. 2. - DEPUTY CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82307 WHEREAS, Lord of Life Lutheran Church has requested a waiver of the surfacing requirements for a church parking lot located on property generally located at 70th and Highway 2 and legally described as:

Lot 112, Irregular Tract located in the Southeast Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska; **EXCEPT** the east 10 feet thereof and **EXCEPT** that part more particularly described as follows:  
Beginning at the northeast corner of said Lot 112 I.T., said point also being the southeast corner of Lot 3, Lee's Summit; thence south 89 degrees 41 minutes 34 seconds west along the north line of said Lot 112 I.T., a distance of 7.96 feet to a point; thence south 00 degrees 24 minutes 16 seconds east, a

distance of 511.29 feet to a point; thence south 00 degrees 39 minutes 24 seconds west, a distance of 113.50 feet to a point on the south line of said Lot 112 I.T.; thence north 89 degrees 41 minutes 43 seconds east along the south line of said Lot 112 I.T., a distance of 8.78 feet to a point on the west right-of-way line of South 70th Street; thence north 00 degrees 17 minutes 14 seconds west along the west right-of-way line of said South 70th Street, a distance of 624.77 feet to the point of beginning; and **EXCEPT**

Referring to the northeast corner of said Lot 112 I.T., said point also being the southeast corner of Lot 3, Lee's Summit; thence south 89 degrees 41 minutes 34 seconds west along the north line of said Lot 112 I.T., a distance of 7.96 feet to a point; thence south 00 degrees 24 minutes 16 seconds east, a distance of 343.55 feet to a point, said point also being the point of beginning; thence south 44 degrees 35 minutes 45 seconds west, a distance of 21.21 feet to a point; thence south 89 degrees 35 minutes 45 seconds west, a distance of 35.0 feet to a point; thence south 00 degrees 24 minutes 15 seconds east, a distance of 80.0 feet to a point; thence north 89 degrees 35 minutes 45 seconds east, a distance of 35.0 feet to a point; thence south 45 degrees 42 minutes 15 seconds east, a distance of 21.21 feet to a point; thence north 00 degrees 24 minutes 16 seconds west, a distance of 110.0 feet to the point of beginning; WHEREAS, the City Council finds that:

a) The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit religious institution;

b) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c) The location of the parking lot is sufficient distance from surrounding uses that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the owner as compared with minimal impact upon the surrounding land uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

In consideration of the findings made above, the requirement for the paving of the parking lot for Lord of Life Lutheran Church located at 6601 South 70th Street on property legally described above is hereby waived pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1) If it is later found that dust or noise, created by the use of the parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked, and thereafter the use of the parking lot shall cease unless surfaced in accordance with design standards.

2) This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 2010 - APPROVING PINE LAKE HEIGHTS SOUTH 8TH ADDITION COMMUNITY UNIT PLAN CONSISTING OF 66 RESIDENTIAL UNITS WITH WAIVERS TO SUBMIT A PRELIMINARY PLAT, THE REQUIREMENT THAT FINAL PLATS BE BASED ON PRELIMINARY PLATS, THE REQUIREMENT THAT FINAL PLATS ACCEPTING THE DEDICATION OF PUBLIC STREETS & PRIVATE ROADWAYS GO TO THE PLANNING COMMISSION, YARD SETBACKS, COMMUNITY OUTDOOR RECREATION PLAN, MINIMUM LOT AREA, & CUL-DE-SAC GEOMETRY, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 30TH ST. & YANKEE HILL RD. - DEPUTY CLERK read

the following resolution, introduced by Terry Werner, who moved its adoption:

A-82308 WHEREAS, Ridge Development and Southview, Inc. have submitted an application designated as Special Permit No. 2010 for authority to develop Pine Lake Heights South 8th Addition Community Unit Plan for 66 residential units, with requested waivers of the requirement to submit a preliminary plat, that final plats be based upon preliminary plats, that final plats accepting the dedication of public streets and private roadways be heard before the Planning Commission, and requests to waive the required yard setbacks, Community Outdoor Recreation Plan, minimum lot area, pavement width, and cul-de-sac geometry on property generally located northeast of the intersection of South 30th Street and Yankee Hill Road, and legally described to wit:

A portion of Outlot E Pine Lake Heights South 4th Addition, located in the Southwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Nebraska, and more particularly described as follows:

Commencing at the southeast corner of said Outlot "E", said point being the true point of beginning; thence along an assumed bearing of south 88 degrees 45 minutes 30 seconds west along the south line of said Outlot "E", said line being 60.00 feet north of and parallel with the south line of said Southwest Quarter, a distance of 281.19 feet to a point; thence north 01 degrees 14 minutes 30 seconds west, a distance of 398.42 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 4967.00 feet, arc length of 79.86 feet, delta angle of 05 degrees 55 minutes 16 seconds, a chord bearing of north 00 degrees 46 minutes 52 seconds west, and a chord length of 79.86 feet to a point of tangency; thence north 00 degrees 19 minutes 13 seconds west along an extension of a west line of said Outlot "E", and a west line of said Outlot "E", a distance of 383.62 feet to a north corner of said Outlot "E"; thence along a curve in a counter clockwise direction, having a radius of 833.00 feet, arc length of 178.69 feet, delta angle of 12 degrees 17 minutes 26 seconds, a chord bearing of north 12 degrees 17 minutes 26 seconds east along a north line of said Outlot "E", and a chord length of 178.35 feet to a point of reverse curvature; thence along a curve in a clockwise direction, having a radius of 467.00 feet, arc length of 306.35 feet, delta angle of 37 degrees 35 minutes 09 seconds, a chord bearing of south 86 degrees 05 minutes 19 seconds east along a north line of said Outlot "E", and a chord length of 300.89 feet to a point of tangency; thence south 67 degrees 17 minutes 45 seconds east along a north line of said Outlot "E", a distance of 62.22 feet to the northeast corner of said Outlot "E"; thence south 22 degrees 42 minutes 15 seconds west along an east line of said Outlot "E", a distance of 468.42 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 800.00 feet, arc length of 334.35 feet, delta angle of 23 degrees 56 minutes 45 seconds, a chord bearing of south 10 degrees 43 minutes 53 seconds west along an east line of said Outlot "E", and a chord length of 331.92 feet to a point of tangency; thence south 01 degrees 14 minutes 30 seconds east along an east line of said Outlot "E", a distance of 80.03 feet to the point of beginning, said tract contains a calculated area of 334,401.54 square feet or 7.68 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of

Lincoln, Nebraska:

That the application of Ridge Development and Southview, Inc., hereinafter referred to as "Permittee", to develop Pine Lake Heights South 8th Addition Community Unit Plan for 66 dwelling units on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a community unit plan for up to 66 dwelling units.

2. The requirement that the Permittee submit a preliminary plat is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations..

3. The Planning Director is hereby authorized to approve an Administrative Final Plat based upon the approved Community Unit Plan.

4. The Planning Director is hereby authorized to approve an Administrative Final Plat that includes accepting the dedication of public streets and private roadways within this Community Unit Plan.

5. A waiver to the required yard setback is approved as shown on the site plan.

6. A waiver to the minimum lot area is approved.

7. A waiver to the cul-de-sac geometry is approved to allow a 30' radius.

8. Reduction of pavement width to 24 feet is approved.

9. Administrative Final Plats will be approved by the Planning Director after:

- a. The Permittee has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- b. The Permittee has signed an agreement that binds the subdivider, its successors and assigns:

- i. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

- ii. To complete the private improvements shown on the Community Unit Plan.

- iii. To maintain the outlots and private improvements on a permanent and continuous basis and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of stormwater detention/retention facilities as they were designed and constructed. However, the Permittee may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Permittee shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the

- Register of Deeds.
- iv. To continuously and regularly maintain the street trees along South 30th Street, Grainger Parkway, the private roadways and the landscape screens.
  - v. To submit to the lot buyers and home builders a copy of the soil analysis.
  - vi. To pay all improvement costs.
  - vii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
  - viii. To protect the trees that are indicated to remain during construction and development.
10. Before receiving building permits:
- a. The Permittee must submit an acceptable, revised and reproducible final plan including six copies.
  - b. The construction plans must conform to the approved plans.
  - c. Final plats within this community unit plan must be approved by the Planning Director.
11. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
12. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
13. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
14. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
15. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF IMPACT FEES ON AN INCREASE OF SIZE FOR A WATER METER AT 3800 S. 9<sup>TH</sup> ST. - PRIOR to reading:

MCROY Moved to delay action and continue public hearing for one week to 9/15/03.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MON. SEPT. 22, 2003 AT 1:30 P.M ON THE APP. OF GRANNETTE, INC. DBA DELRAY BALLROOM & LOUNGE LOCATED AT 817 R STREET. (CHANGE OF OWNERSHIP)- DEPUTY CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82309 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 22, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the purpose of considering the Application of Grannette, Inc. dba DelRay Ballroom & Lounge located at 817 R St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MON. SEPT. 22, 2003 AT 1:30 P.M. ON THE APP. OF BENCHMARK REDEVELOPMENT INC. DBA BUZZARD BILLY'S ARMADILLO BAR & GRILL FOR AN ADDITION TO THEIR LICENSED PREMISE (THE BASEMENT AREA

MEASURING APPROX. 4200 SQ. FT.; TO BE KNOWN AS BUZZARD BILLY'S STARLITE LOUNGE & BANQUET ROOM) LOCATED AT 237 N. 8<sup>TH</sup> ST., SUITE 101 - DEPUTY CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82310 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 22, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the purpose of considering the Application of Benchmark Redevelopment Inc. dba Buzzard Billy's Armadillo Bar & Grill for an addition to their licensed premise (The basement area measuring approx. 4200 sq. ft; to be known as Buzzard Billy's Starlite Lounge & Banquet Room) located at 247 N. 8<sup>th</sup> St., Suite 101.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF SUBDIVISION REQUIREMENTS FOR STREET TREES AND SIDEWALKS ALONG PINE LAKE ROAD WITHIN HANNAN ADDITION GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD. (In connection w/03R-230, 03-132) (8/18/03 - Request for P.H. & Action 8/25/03) (8/25/03 - Action Delayed to 9/8/03) - DEPUTY CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82314 WHEREAS, the Administrative Final Plat of Hannan Addition was previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Administrative Final Plat was the requirement that the subdivider install sidewalks and street trees along Pine Lake Road within said Administrative Final Plat; and

WHEREAS, subdivider has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

That the requirement of the Administrative Final Plat of Hannan Addition relating to the installation of sidewalks and street trees along Pine Lake Road, is hereby waived; provided, however, nothing herein shall be construed to preclude the City Council from ordering the construction of sidewalks in said location at any time in the future upon proper notice to the owners, their successors or assigns.

All other conditions for approval of the Administrative Final Plat of shall remain in full force and effect.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSTAINING: Newman.

APPROVING THE FINAL PLAT OF HANNAN ADDITION CONSISTING OF TWO LOTS FOR RESIDENTIAL DEVELOPMENT AND RELEASING THE RELINQUISHMENT OF ACCESS TO PINE LAKE ROAD ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 66TH STREET AND PINE LAKE ROAD. (In connection w/03R-229, 03-132) (8/18/03 - Request for P.H. & Action 8/25/03) (8/25/03 - Action Delayed to 9/8/03) - PRIOR to reading:

FRIENDT Moved to amend Bill No. 03R-230 in the following manner:

1. Beginning on page 1, line 16, after the word "Owners" delete he remainder of that paragraph through page 2, line 3, and insert in lieu thereof the following language:

(1) provide the necessary easement and consolidate the access to Lot 2, Hannan Addition with the existing access to Lot 1, Country Place 22<sup>nd</sup> Addition to the east of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2, Hannan Addition be restricted to an access for one single-family dwelling.

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption as amended:

A-82315 WHEREAS, Vic and Kathleen Hannan (Owners) have submitted the administrative final plat of Hannan Addition consisting of two



residential lots for acceptance and approval; and

WHEREAS, said administrative final plat presently cannot be approved as access to Pine Lake Road was relinquished with the approval of Country Place Addition and Owners now request that said relinquishment be released to allow access to Pine Lake Road from Lot 2 of the final plat of Hannan Addition; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said request and recommends that access to Pine Lake Road be allowed for Lot 2 provided that such access is restricted to a single access for one single-family dwelling and that a common access easement be established with the church to the east at the time of widening of Pine Lake Road.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the relinquishment of access to Pine Lake Road is hereby released to allow access to Lot 2, Hannan Addition, provided that Owners ~~agree to enter into a subdivision agreement with the City of Lincoln whereby Owners agree (1) that such access shall be restricted to a single access for one single-family dwelling; (2) that such access may be consolidated with the access for the church east of Lot 2, Hannan Addition at the time of widening of Pine Lake Road, and (3) that Owners agree to grant the church any necessary common access easement to consolidate the two access drives into a single access.~~ Provide the necessary easement and consolidate the access to Lot 2, Hannan Addition with the existing access to Lot 1, Country Place 22<sup>nd</sup> Addition to the east of Lot 2, Hannan Addition; and (2) agree that access provided to Lot 2, Hannan Addition be restricted to an access for one single-family dwelling.

Introduced by Ken Svoboda

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### PETITIONS & COMMUNICATIONS

The following items were referred to the Law Dept.:

FORMAL PAVING PETITION FOR PAVING DISTRICT NO. 2626 FOR WEST SOUTH STREET, SW 23<sup>RD</sup> ST. TO SW 27<sup>TH</sup> ST. WEST SOUTH TO WEST "A" STREETS, SUBMITTED BY ASPEN BUILDERS, INC.

FORMAL PAVING PETITION FOR ALLEY DISTRICT NO. 362A FOR THE EAST/WEST ALLEY OF 48<sup>TH</sup> STREET TO 49<sup>TH</sup> STREET, LOWELL TO MEREDITH STREETS, SUBMITTED BY THE CAR CONNECTION, INC.

PETITION TO VACATE PUBLIC WAY SOUTH 49<sup>TH</sup> STREET FROM THE SOUTH RIGHT-OF-WAY OF PRESCOTT AVE. TO THE NORTH RIGHT-OF-WAY OF LOWELL AVE. AND THE WESTERN MOST 50' OF ALLEY EAST OF SOUTH 49<sup>TH</sup> STREET BETWEEN PRESCOTT AVE. AND LOWELL AVE., SUBMITTED BY JIM HAHN, PRESIDENT OF NE CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTIST.

PETITION TO VACATE PUBLIC WAY EAST-WEST ALLEY IN BLOCK 1, TEETERS ADDITION FROM THE EAST LINE OF NORTH 26<sup>TH</sup> STREET TO THE WEST LINE OF NORTH 27<sup>TH</sup> STREET, SUBMITTED BY JIM HAHN, PRESIDENT OF NE CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTIST.

THREE PETITIONS TO VACATE PUBLIC WAY THE PORTION OF THE EAST/WEST ALLEY BETWEEN O STREET AND N STREET AND 27<sup>TH</sup> STREET AND 26<sup>TH</sup> STREET WHICH HAS NOT ALREADY BEEN VACATED, SUBMITTED BY B & J PARTNERSHIP, LED; JOHN M. AND MARILYN J. LONG AND WILLIAM R. AND MARILYN CANTEEN.

The following items were referred to the Planning Dept.:

SPECIAL PERMIT NO. 572F - APP. OF MARGARET NELSON TO ENCLOSE A PATIO AT 2411 SOUTH 60<sup>TH</sup> STREET.

SPECIAL PERMIT NO. 654E - APP. OF PATRICK B. MCGRANE TO WAIVE THE REAR YARD SET BACK FOR DECK HEIGHT TO BE HIGHER THAN THREE FEET ON PROPERTY LOCATED AT 5433 S. 31<sup>ST</sup> STREET COURT.

SPECIAL PERMIT NO. 1423H - APP. OF JACKIE SNYDER TO AMEND THE COMMUNITY UNIT PLAN TO ADD 26 SINGLE FAMILY ATTACHED UNITS ON PROPERTY LOCATED AT 90<sup>TH</sup> AND OLD CHENEY RD.

SPECIAL PERMIT NO. 1939B - APP. OF NEBRASKA HEART INSTITUTE TO AMEND SPECIAL PERMIT 1939A TO INCLUDE ADDITIONAL PARKING STALLS AND RELATED DRAINAGE TO ACCOMMODATE FUTURE EXPANSION AT PROPERTY LOCATED AT 7500 S. 91<sup>ST</sup> STREET.

SPECIAL PERMIT NO. 2004 - APP. OF HARTLAND HOMES TO CREATE 371 SINGLE FAMILY DWELLING UNITS AND 11 PROPOSED H-4 PLANNED SERVICE COMMERCIAL LOTS, AND 2 LARGE OUTLOTS ON PROPERTY LOCATED AT NORTH 56<sup>TH</sup> STREET AND INTERSTATE

80.  
CHANGE OF ZONE NO. 3398 - APP. OF ROGER & ELDONNA SCHWISOW FOR A CHANGE OF ZONE FROM AG TO H-4 TO CREATE 11 COMMERCIAL LOTS ON PROPERTY LOCATED AT NORTH 56<sup>TH</sup> STREET & ALVO ROAD.  
CHANGE OF ZONE NO. 3418 - APP. OF KENNETH L. & ROSEMARY FRANKS FOR A CHANGE OF ZONE FROM R-2 TO H-2 ON PROPERTY LOCATED AT 4840 ORCHARD STREET.

SETTING THE HEARING DATE OF MONDAY, SEPT. 15, 2003 AT 1:30 P.M. FOR THE FOLLOWING APPLICATIONS: ST. TERESA'S CATHOLIC CHURCH TO HOLD A LOTTERY FOR THE PERIOD OF OCT. 1 THRU NOV 9, 2003; ST. PATRICK'S SCHOOL TO HOLD A LOTTERY FOR THE PERIOD OF SEPT. 14 THRU NOV. 21, 2003 AND NORTH AMERICAN MARTYRS CATHOLIC PARISH TO HOLD A LOTTERY FOR THE PERIOD OF SEPT. 18 THRU NOV. 22, 2003 - CLERK requested a motion to set the hearing date.

SVOBODA So moved.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR THE WEEK OF AUGUST 25 THROUGH SEPTEMBER 5, 2003 - CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82311 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

INVESTMENT OF FUNDS FOR THE WEEK OF AUGUST 18 THROUGH AUGUST 22, 2003 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82312 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNING ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2003 - DEPUTY CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82313 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended July 31, 2003, \$85,167.54 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Terry Werner

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED AUGUST 25, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORTS OF LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTHS OF JUNE AND AUGUST, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT OF CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JULY, 2003: BIG PLANET, INC.; WWC LICENSE LLC; SPRINT SPECTRUM, L.P.; NOS COMMUNICATIONS, INC.; WORLDXCHANGE CORP.; NORSTAN NETWORK SERVICES, INC.; SPRINT COMMUNICATION COMPANY LIMITED PARTNERSHIP; NEXTEL WEST CORP.; GLYPHICS COMMUNICATIONS, INC.; LIGHTYEAR COMMUNICATIONS; ZONE TELECOM, INC.; COMDATA TELECOMMUNICATIONS, INC.; GTC TELECOM, INC.; GLOBALCOM, INC.; ASSOCIATION ADMINISTRATORS, INC.; LDMI TELECOMMUNICATIONS, INC.; NOSVA LIMITED PARTNERSHIP; AFFINITY NETWORK, INC.; AND TRI-M COMMUNICATIONS, INC.; GUARANTEED PHONE SERVICE; MCI WORLDCOM NETWORK SERVICE, INC.; EXCEL TELECOMMUNICATIONS, INC.; TELCO DEVELOPMENT GROUP DE INC.; OCMC, INC.; C III COMMUNICATIONS OPERATIONS, LLC; BELL ATLANTIC COMMUNICATIONS, INC.; WORKING ASSETS FUNDING SVC., INC.; VIRGIN MOBILE USA; ACN COMMUNICATION SERVICES, INC.; VERIZON SELECT SERVICES, INC.; TRANS NATIONAL COMM. INTERNATIONAL; ONSTAR CORPORATION; TOUCH AMERICA; GLOBAL CROSSING TELECOMMUNICATIONS, INC.; PRIMUS TELECOMMUNICATIONS, INC.; TRACFONE WIRELESS, INC.; AT&T COMM. OF MIDWEST; INTELLICALL OPERATOR SERVICES; CIERA NETWORK SYSTEMS, INC.; CRICKET COMMUNICATIONS, INC.; MCLEOD USA TELECOMMUNICATIONS SERVICES, INC.; VOICECOM TELECOMMUNICATIONS; TELIGENT SERVICES, INC.; QWEST COMMUNICATIONS, CORP.; XO LONG DISTANCE SERVICES, INC.; SHAFFER COMMUNICATIONS, INC.; AND NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JULY, 2003 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

#### ORDINANCES - 1<sup>ST</sup> READING

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY & LINCOLN ACTION PROGRAM FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N ST., TO PROVIDE JOB TRAINING & EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, approving a sublease agreement between the City and Lincoln Action Program for a sublease of space at the One Stop Center, 1010N St., to provide job training & employment services under the Workforce Investment Act, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER E BY CHANGING THE JOB CLASSIFICATION OF WORKERS' COMPENSATION CLAIMS ASSISTANT TO WORKERS' COMPENSATION CLAIMS SPECIALIST - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, amending the pay schedule for a certain employee group prefixed by the letter E by changing the job classification of Workers' compensation Claims assistant to Workers' Compensation Claims Specialist, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER M BY CREATING THE JOB CLASSIFICATION OF WORKERS' COMPENSATION COORDINATOR - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, amending the pay schedule for a certain employee group prefixed by the letter M by creating the job classification of Workers' Compensation Coordinator, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER A BY CREATING THE JOB CLASSIFICATION OF LEARNING CENTER SUPERVISOR - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, amending the pay schedule for a certain employee group prefixed by the letter A by creating the job classification of learning center supervisor, the first time.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROX. 1.06 ACRES OF PROPERTY GENERALLY LOCATED AT 1501 W. VAN DORN STREET - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, amending the Lincoln Corporate Limits map by annexing approx. 1.06 acres of property generally located at 1501 W. Van Dorn Street, the first time.

CHANGE OF ZONE 3417 - APP. OF CARLOS LAKE L.L.C. FOR A CHANGE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DIST., ON PROPERTY GENERALLY LOCATED AT S. 55TH ST. & SOUTH ST. (In connection w/03R-239, 03R-240) - DEPUTY CLERK read the following ordinance, introduced by

Terry Werner, for Change of zone 3417 - App. of Carlos Lake L.L.C. for a change from R-2 residential district to R-T Residential Transition Dist., on property generally located at S. 55<sup>th</sup> St. & South St., the first time.

AMENDING SECTIONS 26.19.020 & 26.31.010 OF THE LINCOLN MUNICIPAL CODE TO MODIFY THE PROCEDURE FOR GRANTING MODIFICATIONS OF SUBDIVISION REQUIREMENTS & PROVIDING AN APPEAL PROCESS THEREFOR - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, amending Sections 26.19.020 & 26.31.010 of the Lincoln Municipal Code to modify the procedure for granting modifications of subdivision requirements and providing an appeal process therefor, the first time.

APPROVING THE LICENSE AGREEMENT BETWEEN THE CITY & ALLTEL COMMUNICATIONS TO LOCATE TELECOMMUNICATIONS FACILITIES ON A CITY WATER TOWER ON PROPERTY LOCATED AT AIR PARK - DEPUTY CLERK read the following ordinance, introduced by Terry Werner, approving the license agreement between the City and Alltel Communications to locate telecommunications facilities on a city water tower on property located at Air Park, the first time.

#### ORDINANCES - 3<sup>RD</sup> READING

AMENDING CHAPTER 10.26 OF THE LINCOLN MUNICIPAL CODE TO REFLECT THE CHANGES TO THE TRANSPORTATION PLAN OF THE LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN. (7/21/03 - Pending; Con't. P.H. & Action on 9/8/03 - had 2<sup>nd</sup> Reading 7/21/03) - PRIOR to reading:

SVOBODA Moved to accept the substitute resolution.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Ken Svoboda, amending Chapter 10.26 of the Lincoln Municipal Code to reflect the changes to the transportation plan of the Lincoln-Lancaster County Comprehensive Plan, the third time.

SVOBODA Moved to pass the ordinance as amended.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18235** is recorded in Ordinance Book No.259, Page

CHANGE OF ZONE 3412 - APPLICATION OF ANTELOPE PARK NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON APPROXIMATELY 14 BLOCKS GENERALLY LOCATED BETWEEN SOUTH 27TH STREET AND THE ROCK ISLAND TRAIL, FROM SOUTH STREET TO A STREET - DEPUTY CLERK read the following ordinance, introduced by Patte Newman, for Change of Zone 3412 - application of Antelope Park Neighborhood Association for a change of zone from R-4 Residential to R-2 Residential on approximately 14 blocks generally located between South 27<sup>th</sup> Street and The Rock Island Trail, from South Street to A Street, the third time.

NEWMAN Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18236** is recorded in Ordinance Book No.259, Page

CHANGE OF ZONE 3385 - APPLICATION OF VIC AND KATHLEEN HANNAN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 66TH STREET AND PINE LAKE ROAD. (In connection w/03R-229, 03R-230) (8/25/03- Had P.H.) - DEPUTY CLERK read the following ordinance, introduced by Ken Svoboda, for Change of Zone 3385 - Application of Vic and Kathleen Hannan for a Change of Zone from AGR Agricultural Residential to R-1 Residential on property generally located northeast of the intersection of South 66<sup>th</sup> Street and Pine Lake Road, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSTAINING: Newman.

The ordinance being numbered **#18237** is recorded in Ordinance Book No.259, Page

#### MISCELLANEOUS BUSINESS

PENDING -

COOK            Moved to extend the Pending List to September 15, 2003.  
                 Seconded by Werner & carried by the following vote: AYES: Camp,  
Cook, Friendt, Newman, Werner; NAYS: None; ABSENT: McRoy, Svoboda.

**UPCOMING RESOLUTIONS -**

COOK            Moved to approve the resolutions to have Public Hearing on  
September 15, 2003.  
                 Seconded by Werner & carried by the following vote: AYES: Camp,  
Cook, Friendt, Newman, Werner; NAYS: None; ABSENT: McRoy, Svoboda.

**ADJOURNMENT 5:52 P.M.**

COOK            Moved to adjourn the City Council meeting of September 8, 2003.  
                 Seconded by Werner & carried by the following vote: AYES: Camp,  
Cook, Friendt, Newman, Werner; NAYS: None; ABSENT: McRoy, Svoboda.  
So ordered.

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Teresa J. Meier, Deputy City Clerk

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Glenna Graupmann, Senior Office Assistant

